UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,423	02/11/2004	Suryanarayana Murthy Gorty	ID-487 (80224)	2891

7590   03/18/2009

CHRISTOPHER F. REGAN, ESQUIRE
ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST, P.A.
P.O. Box 3791
Orlando, FL 32802-3791

EXAMINER
KEEFER, MICHAEL E

ART UNIT	PAPER NUMBER
2454	

MAIL DATE	DELIVERY MODE
03/18/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
 Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 December 2008*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *56-69* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *56-69* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This Office Action is responsive to the Amendment filed 12/3/2008.

Claim Rejections - 35 USC § 101

2.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim56-63 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The only portion of claim 56 that appears to form a statutory category of invention for the "system" of claim 25 is the 'configuration module', because it "transmits" information. However, [0022] of Applicant's specification specifically states that the configuration module is purely a software module, thus it is software per se. Since the remainder of elements of the claim fail to provide a hardware basis for the claimed 'system', the claim, and those dependent from it are rejected as software per se.

Claim Rejections - 35 USC § 103

3.   The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4.   Claims 56-58, 60-61, and 64-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. (US 20010029524), hereafter Smith in view of Temple ("The Complete Idiot's Guide to Microsoft Outlook 2000", page 16).

Regarding claim 56, Smith discloses:

A system for providing configuration data for remotely accessing electronic mail (email) on a plurality of source mailboxes, the system comprising:

a user system comprising a plurality of email clients for accessing the plurality of

source mailboxes, and a mailbox configuration data source having configuration

parameters stored therein for configuring access to the plurality of source

mailboxes from said plurality of email clients; (fig. 1, 100 contains mailbox

configuration data, 140 and 142 also 150 and 152.)

a web service for allowing said user system to access the plurality of source

mailboxes; and (email applications 170 172)

a configuration module for retrieving from said mailbox configuration data source,

without user intervention, respective configuration parameters for at least one

source mailbox, and for transmitting the respective configuration parameters to

said web service to configure said web service also without user intervention;

said configuration module comprising an import module having a plurality of

mailbox import agents corresponding to ones of said plurality of email clients for

retrieving, without user intervention, configuration parameters from said mailbox

configuration data source and generating respective configuration data objects

for each respective one of the plurality of source mailboxes. (module 120, which

receives configuration information 140, 142, 150, and 152 and then uses that

information to access the email accounts using the applications 170 and 172.

module 120 acts as the configuration module and works with the web service

170-172, electronic mailbox(es) 170-172 or 150-152, and user device 190. the

parameters used by the configuration module 120 (i.e. items 140-142) include

configuration parameters that are decided by the email provider, see paragraph

25. Further, the user is not required to give any parameters to module 120,

because the user has previously entered them in data 140-142 and are retrieved

by module 120 without the user supplying them to the module directly.)

Smith discloses all the limitations of claim 56 except for retrieving information

from an email client without user intervention.

The general concept of retrieving email settings from an email client without user

intervention is well known in the art as taught by Temple which teaches how an

email program can import settings from other previously configured email

programs.

It would have been obvious to one of ordinary skill in the art at the time of the

invention to combine Smith and the general concept of retrieving email settings

from an email client without user intervention as taught by Temple in order to

eliminate user error when re-entering email account settings.

Regarding **claim 57**, Smith discloses:

wherein a web service comprises an internet service provider (ISP) that uses

configuration data for accessing electronic mail from another internet service provider.

(Fig. 1, universal mail application 100 provides an internet service that allows user 190

to access email at other mail service providers)

Regarding **claim 58**, Smith discloses:

wherein a mailbox comprises an interface that uses configuration data on-the-fly

for accessing an electronic mailbox. ([0037] discloses using configuration data on the

fly)

Regarding **claim 60**, Smith discloses:

wherein said user system comprises a web browser or email client. (system 100

is an email client, because it is being used to access and deliver email)

Regarding **claim 61**, Smith discloses:

wherein said user system comprises a personal computer or mobile

communications device. (system 100 is a personal computer)

Claims 64-66 recite substantially the same limitations as the claims rejected

above, and thus are rejected for similar reasoning.

5.   Claims 59, 62-63, and 67-69 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Smith and Temple as applied to claims 56 and 64 above and further

in view of DeBusk et al. (US 2001/0016821), hereafter DeBusk.

Smith and Temple teach all the limitations of claims 59, 62-63, and 67-69 except

for the use of component object modules, distributed object modules, and ActiveX

controls.

The general concept of implementing a configuration module as an ActiveX

component object module (i.e. a distributed object module) is well known in the art as

taught by Debusk. ([0064] teaches the use of ActiveX components in a system which

gathers medical information about patients.)

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify Smith and Temple with the general concept of implementing a

configuration module as an ActiveX component object module (i.e. a distributed object

module) as taught by Debusk in order to provide encapsulated reusable functionality.

Response to Arguments

6.   Applicant's arguments with respect to claims 56-69 have been considered but are moot in view of the new ground(s) of rejection.

7.   The Examiner observes that Applicant places a great deal of weight on the limitation that the steps of retrieving and transmitting are done "without user intervention". The Examiner does not believe that the user selecting a mailbox configuration data source means that it does not meet the limitation of the system retrieving and transmitting this data without the user's intervention. If Applicant's intent is to claim that the system automatically detects any mailbox configuration data on the user system and automatically retrieves, imports, and transmits this configuration data based only upon the detection of the mailbox configuration data this should be made explicit in the claim. Otherwise, it is unclear how mailbox configuration data can be retrieved without a user supplying the system with the location of the mailbox configuration data in the first place to begin the process of importing the preferences.

Conclusion

8.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

        A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to MICHAEL E. KEEFER whose telephone number is

(571)270-1591. The examiner can normally be reached on Monday through Friday

9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Nathan Flynn can be reached on (571) 272-1915. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MEK 3/13/2009

/Dustin Nguyen/
Primary Examiner, Art Unit 2454